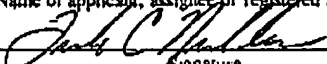


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FRANK C. NICHOLAS (33,983)  
Name of applicant, assignor or registered representative  
  
Signature  
SEPTEMBER 15, 2003  
Date of Signature

**PATENT-APPEAL**  
Case No. DP-304581  
(7500/66)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re patent application of:	)	
	)	
THOMAS A BAUDENDISTEL, ET AL.	)	Examiner: RODRIGUEZ, P.
	)	
Serial No.: 09/915,631	)	
	)	Group Art Unit: 3683
Filed: JULY 26, 2001	)	
	)	
Title: CAPACITIVE DISPLACEMENT SENSOR)	)	

**REPLY BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22202-1450

Sir:

The Examiner concedes in her Answer that the plate 42 of Yamakado et al. '886 is not directly connected to a frame, but argues that the plate is nonetheless "indirectly" connected to the frame through an electrical/physical path including either 1) the sensor 163 and the controller 167, or 2) the sensor 163, the engine 161, and mounts 162a and 162b. However, claim terms are to be given their broadest reasonable interpretation in light of the specification, and the specification of the application clearly contemplates only a direct, physical connection between the plate and the frame.

September 15, 2003  
Case No.: DP-304581 (7500/66)  
Serial No.: 09/915,631  
Filed: July 26, 2001  
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The Examiner's logic is equally strained with respect to whether the plate 41 of Yamakado et al. '886 is "fixed" relative to the engine 161. The Examiner admits that the plate 41 is mounted on a pendulum 1. The Examiner further admits that plate is "at least to some extent" mounted – this admission is telling, and the Examiner, by the same logic, must be admitting that the plate is "to some extent" *not* fixed, and therefore the rejection can not stand. The pendulum 1 moves in relation to the engine 161, and thus the plate 41 is not "fixed" with respect to the engine 161 in any reasonable sense of that word.

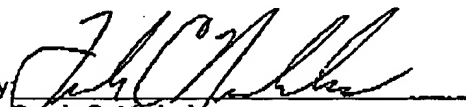
The final rejection should be reversed.

Respectfully submitted,

THOMAS A. BAUDENDISTEL, *et al.*

Date: September 15, 2003

By

  
Frank C. Nicholas  
Registration No. 33,983  
Attorney for Applicants

CARDINAL LAW GROUP  
1603 Orrington Avenue  
Suite 2000  
Evanston, IL 60201  
Phone: (847) 905-7111  
Fax: (847) 905-7113